

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 90

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO LEGAL NOTICES; AMENDING SECTION 60-106A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ELECTRONIC PUBLICATION OF LEGAL NOTICES BY NEWSPAPERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 60-106A, Idaho Code, be, and the same is hereby amended to read as follows:

60-106A. ELECTRONIC PUBLICATION OF LEGAL NOTICES BY NEWSPAPERS. (1) In addition to the newspaper publication required by section 60-106, Idaho Code, legal notices, advertisements or publications of any kind required or provided by the laws of the state of Idaho to be published in a newspaper may also be electronically published by any newspaper. An electronically published legal notice, advertisement or publication shall have the same legal effect as a legal notice, advertisement or publication that is published in a newspaper.

(2) The following definitions apply to this section:

(a) "Electronically published" means the printing and disseminating of legal notices, advertisements or publications through the use of messaging.

(b) "Messaging" means the use of interconnected electronic networks that automatically transmit data from one (1) computer to another.

(3) The following provisions apply to this section:

~~(a) Electronic publication may be in addition to the required printed publication in a newspaper; and~~

~~(b)~~ Electronic publication may be made by:

(i) By newspapers having electronic publication capability. Nothing in this section shall be construed to require a newspaper to develop and maintain an electronic publication capability; and
or

(ii) On a public legal notice website established by the combined efforts of Idaho newspapers that collectively distribute newspapers to the majority of newspaper subscribers in Idaho.

~~(e)~~ (b) Newspapers may not charge an additional rate for electronic publication. Rates for such electronic publication shall be included in the rates for official notices as provided for in section 60-105, Idaho Code; and.

~~(d)~~ (c) Any party placing a legally required public notice in electronic form should, to the greatest extent practicable, provide in such notices the messaging address of the newspaper and, if applicable, that of the person or governmental agency requiring such notice to be published.

1 (4) In the case of any governmental entity required or permitted under
2 the laws of the state of Idaho to publish legal notices or publications in
3 a newspaper, the date of electronic publication may be used to satisfy com-
4 mencement of publication requirements, as long as the required legal notice,
5 advertisement, or publication appears in the next available edition of the
6 printed newspaper or as otherwise required by law.

7 (5) If the state of Idaho or any political subdivision thereof prop-
8 erly submits a legal notice, advertisement, or publication to a newspaper
9 for publishing and such governmental entity has otherwise met all statutory
10 publication requirements and deadlines, it shall not be liable for failing
11 to comply with publication deadlines provided by law or administrative rule
12 in the event that a newspaper fails to correctly publish such legal notice,
13 advertisement, or publication. The electronic publication may be used in
14 conjunction with any publication method the governmental entity determines
15 in good faith is feasible to meet the notice requirements.

16 SECTION 2. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after
18 July 1, 2023.